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Montgomery council committee members say they will not recommend new contracts

Employees' paid leave, absence of drug testing are at issue

by Erin Cunningham | Staff Writer

A majority of Montgomery County Council members appear opposed to what they believe is \$7 million in new spending on government employees.

However, the cost of the paid leave included in newly negotiated employee contracts — and whether the council has authority over the provisions — is still undetermined.

The council is awaiting an opinion from the County Attorney's Office, which is expected Thursday.

The council's own attorneys believe the council should vote on the provisions because they will cost \$7 million, a report from the Office of Legislative Oversight states. The council has final fiscal authority.

But County Executive Isiah Leggett's (D) office believes the unpaid leave — between two and three work days — will cost nothing.

While awaiting a decision on whether they will vote on the contracts, council members opted Tuesday to introduce the renegotiated contracts for members of the Montgomery County Career Fire Fighters Association, IAFF, Local 1664; Fraternal Order of Police Lodge No. 35; and The United Food and Commercial Workers Local 1994/Municipal and County Government Employees Organization.

Under the contracts, about 8,184 employees will share 236,632 hours of paid leave, with firefighters receiving 48 hours and other employees getting 26 hours.

A council committee will take up the contracts, which also include \$135,000 in tuition assistance money for police and the removal of a contract provision requiring random drug testing of firefighters.

Council Vice President Valerie Ervin (D-Dist. 5) of Silver Spring and council members Nancy Navarro (D-Dist. 4) of Silver Spring and Duchy Trachtenberg (D-At large) of North Bethesda, who sit on the council's Management and Fiscal Policy Committee, say they will vote against the contracts when the committee takes them up Monday.

The committee was scheduled to address the issue last week, but it was postponed after Leggett's staff said the council did not have the authority to approve the contracts.

Councilman Philip M. Andrews (D-Dist. 3) of Gaithersburg also plans to vote against the contracts, which would affect worker productivity and result in additional costs, he said.

The county's Office of Legislative Oversight found that the time away from work associated with the paid leave would equal about 117 work years, meaning the amount of work 117 full-time employees complete in one year.

County data show that 1,022 employees received 60 hours of paid time off in fiscal 2010, costing the county \$2.8 million in salary and benefits.

Council President Nancy M. Floreen (D-At large) of Garrett Park also expressed concerns over the spending and said Tuesday that the county cannot take on additional expenses.

"I have to hand it to the unions; they're in the 'never say never' category in terms of pushing the limits," Floreen said last week of the contracts. "I'm sorry we have to revisit what the council has already done. I don't think that we're going to be able to assume additional cost."

Floreen said Tuesday that she was waiting to hear more from Leggett about the contracts.

Employees gave up pay raises and were forced to take furloughs in fiscal 2011, which began July 1, meaning that their contracts had to be renegotiated to reflect the changes. During the renegotiations, Leggett agreed to grant employees two to three days of paid leave.

Officials say they are unsure what will happen if the council votes against the contracts, especially if a difference of opinion remains regarding their authority over the agreements.

It could mean that employees and Leggett return to the bargaining table for a third time.